

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201510474	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 10/24/2015 9:42 PM	Location of Incident: Mermaid Avenue between West 21st and West 22nd	Precinct: 60	18 Mo. SOL 4/24/2017	EO SOL 4/24/2017	
Date/Time CV Reported Fri, 12/11/2015 2:56 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/11/2015 2:56 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 John Rivera	00452	932207	NARCBBS
2. DT3 Mike Civil	02114	935092	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Hachemeister	31650	949074	NARCBBS
2. POM Jason Reynolds	15113	937367	NARCBBS
3. SGT Andrew Parfenoff	03603	938855	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 John Rivera	Abuse: Det. John Rivera stopped § 87(2)(b)	
B.DT3 Mike Civil	Abuse: Det. Mike Civil stopped § 87(2)(b)	
C.DT3 John Rivera	Force: Det. John Rivera used physical force against § 87(2)(b)	
D.DT3 Mike Civil	Force: Det. Mike Civil used physical force against § 87(2)(b)	
E.DT3 John Rivera	Abuse: John Rivera refused to provide his shield number to § 87(2)(b)	
F.DT3 Mike Civil	Abuse: Det. Mike Civil refused to provide his shield number to § 87(2)(b)	
G.DT3 Mike Civil	Discourtesy: Det. Mike Civil spoke discourteously to § 87(2)(b)	
H.DT3 Mike Civil	Off. Language: Det. Mike Civil made remarks to § 87(2)(b) based upon sexual orientation.	
I.DT3 John Rivera	Force: Det. John Rivera used physical force against § 87(2)(b)	
J.DT3 Mike Civil	Force: Det. Mike Civil used physical force against § 87(2)(b)	

Case Summary

On December 11, 2015, § 87(2)(b) filed this complaint with the CCRB by phone.

On October 24, 2015, at approximately 9:40 p.m., § 87(2)(b) was walking west on Mermaid Avenue in Brooklyn by himself. At the intersection of Mermaid Avenue and West 21st Street, § 87(2)(b) was grabbed by Det. John Rivera and Det. Mike Civil, both of Narcotics Borough Brooklyn South (**Allegations A and B**). The detectives pushed § 87(2)(b) against the side of a building, knocking one of his teeth out, chipping a second tooth, and bruising his eyes and nose (**Allegations C and D**).

§ 87(2)(b) turned around and asked to see the officers' shields. Det. Civil responded, "I'm not showing you nothing," and while Det. Rivera showed his shield to § 87(2)(b) he covered his shield number with his fingers (**Allegations E and F**). Det. Civil then told § 87(2)(b) "You're nothing but a fucking faggot" (**Allegation G and H**). § 87(2)(b) again asked the officers for their shield numbers, which neither officer provided (subsumed within **Allegations E and F**).

Without saying anything, the detectives turned away from § 87(2)(b) and started running towards a male (identified by the investigation to be § 87(2)(b) who was at that time walking on the sidewalk towards § 87(2)(b) and the detectives. § 87(2)(b) had not seen § 87(2)(b) commit any crimes at that time, nor had he observed § 87(2)(b) do anything that would warrant being approached by the detectives. § 87(2)(b) turned around and started running away, but was caught and brought to the ground at the intersection of Mermaid Avenue and West 22nd Street. Det. Rivera kicked § 87(2)(b) in the face (**Allegation I**), and when § 87(2)(b) started yelling in response, Det. Civil kicked § 87(2)(b) in the face one time as well (**Allegation J**).

The detectives put § 87(2)(b) in handcuffs, and began walking him back to their vehicle. § 87(2)(b) walked next to them as they did this, and asked both detectives again for their shield numbers. Det. Civil responded, "I'm not giving you shit. I'm not showing you shit," and Det. Rivera did not say anything in response to § 87(2)(b) (subsumed within **Allegations E, F, and G**). The detectives then transported § 87(2)(b) to the 60th precinct stationhouse for arrest processing. He was charged with § 87(2)(b). The detectives did not summons or arrest § 87(2)(b).

Mediation, Criminal, and Civil Histories

- This case was not suitable for mediation, § 87(2)(g)
- § 87(2)(b)

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Neither § 87(2)(b) nor § 87(2)(b) filed a notice of claim in regards to this incident.

Civilian and Officer CCRB Histories

- This is the second CCRB complaint filed by § 87(2)(b) § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- This is the first CCRB complaint § 87(2)(b) has been involved in.
- Det. John Rivera has been a member of service for twelve years. There are no substantiated allegations on his record, § 87(2)(g) [REDACTED]
- Det. Mike Civil has been a member of service for eleven years. In case 200609036, a physical force allegation was substantiated against him. In case 200715114, a vehicle stop allegation was substantiated against him. In case 201113146, a discourtesy allegation was substantiated against him. In total, twenty-six physical force allegations have been made against Det. Civil across seventeen cases, of which one allegation was substantiated, three were exonerated, six were unsubstantiated, three were unfounded, seven were closed as complainant or victim uncooperative, and five are still under investigation. Seventeen verbal discourtesy allegations have been made against him across 13 cases, of which one allegation has been substantiated, ten have been unsubstantiated, one has been unfounded, two have been closed as either complainant or victim uncooperative, and three are still under investigation. Four stop allegations have been made against Det. Civil across four cases, of which three allegations have been exonerated and one has been unsubstantiated.

Attempts to Contact Civilians

Two letters were sent to § 87(2)(b) at the address listed in his arrest report. A search of previous arrests for § 87(2)(b) yielded three potential phone numbers, a search of Lexis Nexis provided one additional potential phone number, and a Whitepages.com search had negative results. All four potential numbers were called, and for each one, a person answered the phone who said he or she did not know § 87(2)(b). A female who identified herself as § 87(2)(b)'s aunt called the CCRB during the investigation and stated that she had received the letters sent for § 87(2)(b) but that he no longer resides at that address. She provided what she believed was

his new address in West Virginia, and stated she would have § 87(2)(b) call the CCRB if he came into contact with him. She could not provide any other contact information for § 87(2)(b). Two letters were sent to this second address, but both were returned by the US Postal Service. § 87(2)(b)'s aunt was called a second time, and asked again to have § 87(2)(b) call the CCRB. To date, however, § 87(2)(b) has not contacted the CCRB.

§ 87(2)(b) provided the phone number for a witness to this incident, § 87(2)(b) was called, and he provided a phone statement, and also scheduled an appointment at the CCRB to provide an in-person statement. § 87(2)(b) did not appear for this appointment, however, and he did not contact the CCRB in advance to cancel or reschedule. § 87(2)(b) was sent a missed appointment letter and a subsequent please call letter, and he was called five times in total, but § 87(2)(b) failed to contact the CCRB to schedule another appointment.

Det. Civil identified § 87(2)(b) as the other civilian involved in the alleged hand-to-hand drug transaction with § 87(2)(b) that was the basis for the arrest of § 87(2)(b). Det. Civil stated that he knew § 87(2)(b) from having arrested him in the past. A search of BADS for § 87(2)(b) by name and by Det. Civil's tax registry number had negative results, however. Searches of CTS, Whitepages.com, and the NYC Department of Correction website all had negative results for § 87(2)(b). A Lexis Nexis search had three potential matches, but all three had different dates of birth, and no potential phone numbers were found. Letters were sent to each current address listed, but to date, § 87(2)(b) has not contacted the CCRB.

Findings and Recommendations

Allegations Not Pleaded

- Stop – No stop allegation is pleaded for § 87(2)(b) § 87(2)(g)

Allegation A: Abuse of Authority – Det. John Rivera stopped § 87(2)(b)

Allegation B: Abuse of Authority – Det. Mike Civil stopped § 87(2)(b)

§ 87(2)(b) alleged that he was grabbed by two officers as he walked down Mermaid Avenue, and that they pushed him against the side of a building and held him there (01 Board Review). § 87(2)(b) denied that he had committed any crimes prior to being grabbed, or having done anything besides walk down the street. § 87(2)(b) stated that the officers emerged from a white van that was double-parked in front of a deli on Mermaid Avenue between West 20th and West 21st Street.

§ 87(2)(g) He corroborated that § 87(2)(b) was walking down the street, that he was approached by two officers for no apparent reason, and that the officers pushed § 87(2)(b) against a building wall and held him in that position (02 Board Review). He also gave officer descriptions that generally matched those of Det. Rivera and Det. Civil. § 87(2)(b) alleged that these officers were driving an unmarked black sedan westbound on Mermaid Avenue, however, and that they pulled up next to § 87(2)(b) exited their vehicle, and immediately approached § 87(2)(b) on the sidewalk.

§ 87(2)(g) First, § 87(2)(b) did not corroborate the discourteous or offensive remarks that § 87(2)(b) alleged against Det. Civil, nor did he corroborate that § 87(2)(b) asked for the detectives' shield numbers during the interaction. § 87(2)(b) also stated that he was bleeding from his mouth, while § 87(2)(b) denied observing any injuries to § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Furthermore, § 87(2)(b) stated that after the detectives spoke with § 87(2)(b) for approximately one minute, they returned to their vehicle and drove away. He denied that the detectives stopped or interacted with any other civilians at that time. § 87(2)(b)'s statement hereafter was significantly different. He stated that the detectives left him mid-conversation to chase after § 87(2)(b) who had been walking on the sidewalk towards where § 87(2)(b) was stopped. The detectives apprehended § 87(2)(b) at the end of the block, placed him in handcuffs, and brought him back to their vehicle.

Det. Rivera and Det. Civil both denied the stop of § 87(2)(b) (03 Board Review and 04 Board Review). They both stated that they observed § 87(2)(b) and § 87(2)(b) conduct a hand-to-hand drug transaction at the intersection of Mermaid Avenue and West 21st Street. They exited their vehicle, and § 87(2)(b) started to run away from the detectives. They chased § 87(2)(b) and were able to apprehend him at the end of the block. Both claimed that as they were walking § 87(2)(b) to their vehicle, § 87(2)(b) began yelling profanities at them from the sidewalk. Both detectives stated that the first time they observed § 87(2)(b) during the incident was as they were already walking § 87(2)(b) to their vehicle, and denied having any physical interaction with him at any time during the incident. Both detectives denied responding to § 87(2)(b) as he yelled at them.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C: Force – Det. John Rivera used physical force against § 87(2)(b)

Allegation D: Force – Det. Mike Civil used physical force against § 87(2)(b)

§ 87(2)(b) alleged that both detectives grabbed him from behind and pushed him face-first against the side of a building. He claimed that the contact his face made with the wall caused bleeding, swelling, and bruising to his nose and eyes, and also knocked two teeth out and chipped a third. § 87(2)(b) sent the CCRB photos documenting these injuries (07 Board Review), but he did not obtain any medical treatment for any of them. As discussed above, § 87(2)(b) claimed to have gone to § 87(2)(b) two days after this incident, but stated that the doctor he saw there refused to treat him. A subpoena for § 87(2)(b)'s medical records from § 87(2)(b) was returned with negative results (08 Board Review).

While § 87(2)(b) corroborated seeing the detectives push § 87(2)(b) face-first against the side of a building, he denied observing any injuries to § 87(2)(b)'s face during his subsequent interaction with the detectives. Det. Rivera and Det. Civil denied pushing § 87(2)(b) against a building, and denied having any physical interaction with him whatsoever.

§ 87(2)(g)

Allegation E: Abuse of Authority – Det. John Rivera refused to provide his shield number to § 87(2)(b)

Allegation F: Abuse of Authority – Det. Mike Civil refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that after being pushed against the side of a building, he turned around and realized that Det. Rivera and Det. Civil were police officers in plainclothes. He then asked to see both officers' badges, to which Det. Civil allegedly replied, "I'm not showing you nothing." § 87(2)(b) stated that Det. Rivera showed him his shield at that time, but covered his shield number with his fingers. § 87(2)(b) stated that he asked both officers for their shield numbers again approximately one minute later, and that Det. Civil again said no, and that neither officer showed him their shields or provided their shield numbers. § 87(2)(b) further alleged that as the detectives were later bringing § 87(2)(b) to their vehicle in handcuffs, he asked for both officers' shield numbers for a third time, and that Det. Civil stated, "I'm not giving you shit. I'm not showing you shit."

§ 87(2)(b) denied hearing § 87(2)(b) ask for the detectives' shield numbers during the incident, but stated he was approximately twenty feet from § 87(2)(b) and the detectives during the stop, so he could not hear everything they were saying. Det. Rivera and Det. Civil both corroborated that § 87(2)(b) walked alongside them and was yelling at the detectives as they walked § 87(2)(b) back to their vehicle. The detectives denied that § 87(2)(b) asked them for their shield numbers at any time during the incident, however, and that they in any way refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(g)

Allegation G: Discourtesy – Det. Mike Civil spoke discourteously to § 87(2)(b)

Allegation H: Offensive Language – Det. Mike Civil made remarks to § 87(2)(b) based upon sexual orientation.

§ 87(2)(b) alleged that after he asked to see the detectives' shields the first time, Det. Civil asked § 87(2)(b) for his ID. § 87(2)(b) refused to provide his ID, as he had not committed any crimes. Det. Civil then stated, "You're nothing but a fucking faggot." § 87(2)(b) did not allege this discourteous and offensive remark in his original phone statement.

§ 87(2)(b) stated that one of the officers said something "smart" to § 87(2)(b) before they returned to their vehicle, but stated that he was too far away to be able to hear the specifics of the remark. Det. Civil denied making the alleged remark or any other statement to § 87(2)(b) during the incident, and Det. Rivera denied hearing Det. Civil make the alleged remark, or any other offensive remarks to § 87(2)(b) during the incident.

§ 87(2)(g)

Allegation I: Force – Det. John Rivera used physical force against § 87(2)(b)

Allegation J: Force – Det. Mike Civil used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after the detectives took § 87(2)(b) to the ground, Det. Rivera kicked § 87(2)(b) one time in the face. § 87(2)(b) yelled in response, and Det. Civil then kicked § 87(2)(b) one time in the face as well.

Both detectives denied kicking § 87(2)(b) in the face, or using any other force to apprehend § 87(2)(b) besides tackling him, pulling his arms behind his back, and placing him in handcuffs.

§ 87(2)(g)

§ 87(2)(b)'s arrest photograph does not show any injuries to his face (09 Board Review). § 87(2)(g)

Squad: 13

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date